

Notice of Allowability

Application No.

10/611,353

Examiner

Louanne C Krawczewicz Myers

Applicant(s)

MIYAZAKI, KIYOSHICB

Art Unit

1661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 3/24/05.
2. ☒ The allowed claim(s) is/are the claim.
3. ☒ The drawings filed on 04 October 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RK Myers

Examiner's Amendment

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **Must** be submitted no later than the payment of the Issue Fee.

Examiner's Amendment Authorized

Authorization for this Examiner's Amendment was given in a telephone interview with Cynthia A. Bonner on April 14, 2005

Amendment to the Disclosure

The application has been amended as follows:

A. Page 2, lines 8 and 18, "at" has been deleted and --in-- has been inserted in its place.

B. Page 8, line 22, "antocyanin" has been deleted and --anthocyanin-- has been inserted in its place.

C. Page 13, lines 1, 3, 26 and 27, "flower" has been deleted and --inflorescence-- has been inserted in its place.

- D. Page 13, line 3, "A" has been deleted and --An-- has been inserted in its place.
- E. Page 13, line 4, "single flowered" has been deleted and --a single inflorescence-- has been inserted in its place.
- F. Page 13, line 5, "variegation, which has" has been deleted and --variegation and has an-- has been inserted in its place.
- G. Page 13, line 25, -- of -- has been inserted after "temperature".
- H. Page 13, line 28, --the-- has been inserted after "because".
- I. Page 13, line 29, "matures" has been deleted and --mature-- has been inserted in its place.
- J. Page 13, line 31, "around" has been deleted and --temperatures of around-- has been inserted in its place.
- K. Page 13, line 32, "can be necrosed" has been deleted and --can necrose-- has been inserted in its place.

L. Page 13, line 34, "a" has been deleted and --the-- has been inserted in its place.

M. Page 15, line 9, "at" has been deleted and --in-- has been inserted in its place.

N. Page 16, lines 21, "Flower" has been deleted and --Inflorescence-- has been inserted in its place.

O. Page 16, lines 22, 23, and 24, "flower" has been deleted and --inflorescence-- has been inserted in its place.

P. Page 16, line 35, "Petal apex" has been deleted and --Apex-- has been inserted in its place.

Q. Page 17, line 1. "Petal base" has been deleted and --Base-- has been inserted in its place.

R. Page 17, line 12, "florets" has been deleted and --floret-- has been inserted in its place.

Art Unit: 1661

- S. Page 17, line 22, "shape" has been deleted and --Shape of-- has been inserted before "Ray Floret".
- T. Page 18, line 1, --floret-- has been inserted after "ray" and --1 per-- has been inserted before "disc floret".
- U. Page 18, line 11, -- a plant-- has been inserted after "produce".
- V. Page 18, line 12, " flower in the next January," has been deleted and -- inflorescences produced the following January-- has been inserted in its place.
- W. Page 18, line 13, "Start" has been deleted and --Starts-- has been inserted in its place.
- X. Page 19, line 1, "type" has been deleted.
- Y. Page 19, line 4, "at" has been deleted and --in-- has been inserted in its place.

Art Unit: 1661

Z. Page 21, line 4 of the Abstract, "being of a high height" has been deleted and --which is tall-- has been inserted in its place.

AA. Page 21, line 4 of the Abstract, "plant" has been deleted.

BB. Page 21, line 5 of the Abstract, "in" has been deleted.

CC. Page 21, line 6 of the Abstract, --a-- has been inserted after "has".

DD. Page 21, lines 6 and 7, "are single flowered and have" has been deleted and --is a single inflorescence with-- has been inserted in its place.

EE. Page 21, line 8, "ray floret is" has been deleted and --ray florets is-- has been inserted in its place.

FF. Page 21, line 8 "disc floret is" has been deleted and --disc florets is-- has been inserted in its place.

GG. Page 21, line 10 of the Abstract, "the" has been inserted before "axil".

Future Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louanne C. Krawczewicz Myers whose telephone number is (571) 272-0979. The examiner can normally be reached on Monday and Thursday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone numbers for the group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

LKM



**KENT BELL
PRIMARY EXAMINER**

